

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED FIRE AND CASUALTY COMPANY,
An Iowa corporation,

Plaintiff,

v.

Civil Action No. 1:12-cv-01130 JCH/CG

JOE D. ROYBAL, d/b/a BMS DRILLING;
RICHARD LANDAVAZO; VIRGINIA
LANDAVAZO,

Defendants.

**UNITED FIRE AND CASUALTY COMPANY'S
STATEMENT REGARDING ORDER TO SHOW CAUSE**

Plaintiff United Fire and Casualty Company ("United Fire"), through its counsel, submits this statement regarding the Court's Order to Show Cause (Doc. 58), solely to update the Court and parties on the status of any economic loss incurred as a result of the cancelation of the settlement conference. The Order to Show Cause was issued August 15, 2013, the day following the telephonic status conference with all counsel, at which the Court advised counsel the settlement conference, which had been scheduled for August 16, 2013, would be canceled. The Order to Show Cause notes that counsel for defendants Richard and Virginia Landavazo failed to comply with the Court's order requiring that each party provide the Court with a copy of the party's settlement communication to other parties in the case, and a confidential statement to the Court of the party's settlement position.

At the telephonic status conference held August 14, 2013, United Fire's counsel advised the Court that United Fire's representative for the settlement conference had purchased non-refundable airline tickets to attend the mediation. After the telephonic status conference,

however, United Fire's representative was able to schedule other business in Las Cruces, New Mexico for August 16, 2013, which utilized the non-refundable tickets. Accordingly, United Fire was able to mitigate any direct economic loss from the cancelation of the settlement conference.

Respectfully submitted,

MADISON & MROZ, P.A.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20th day of August, 2013, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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